

SENATE BILL No. 377

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-31; IC 4-33; IC 5-14-3-4; IC 12-17-2-37; IC 31-14-12-8.5; IC 31-16-12-10.5.

Synopsis: Child support payments from gaming winnings. Provides that delinquent child support amounts may be withheld from an obligor's riverboat gambling winnings or pari-mutuel wagering winnings. Provides that a racetrack or riverboat patron who knowingly or intentionally provides false information in connection with an attempt to determine if the patron is a delinquent child support obligor commits a Class D felony.

Effective: July 1, 2005.

Bray

January 11, 2005, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 377

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-31-2-10.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2005]: **Sec. 10.3. "Obligor" means a person who is delinquent (as**
4 **defined in IC 12-17-2-1.5) in the payment of child support under**
5 **IC 31-14 or IC 31-16.**

6 SECTION 2. IC 4-31-3-9 IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2005]: Sec. 9. The commission may:

8 (1) adopt rules under IC 4-22-2, including emergency rules under
9 IC 4-22-2-37.1, to implement this article, including rules that
10 prescribe:

11 (A) the forms of wagering that are permitted;

12 (B) the number of races;

13 (C) the procedures for wagering;

14 (D) the wagering information to be provided to the public;

15 (E) fees for the issuance and renewal of:

16 (i) permits under IC 4-31-5;

17 (ii) satellite facility licenses under IC 4-31-5.5; and



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- 1 (iii) licenses for racetrack personnel and racing participants
- 2 under IC 4-31-6;
- 3 (F) investigative fees;
- 4 (G) fines and penalties; and
- 5 (H) any other regulation that the commission determines is in
- 6 the public interest in the conduct of recognized meetings and
- 7 wagering on horse racing in Indiana;
- 8 (2) appoint employees in the manner provided by IC 4-15-2 and
- 9 fix their compensation, subject to the approval of the budget
- 10 agency under IC 4-12-1-13;
- 11 (3) enter into contracts necessary to implement this article; ~~and~~
- 12 (4) receive and consider recommendations from an advisory
- 13 development committee established under IC 4-31-11; **and**
- 14 **(5) adopt rules under IC 4-22-2 for withholding child support**
- 15 **arrearage amounts from cash paid as winnings to a patron of**
- 16 **a racetrack or a satellite facility.**

17 SECTION 3. IC 4-31-6.5 IS ADDED TO THE INDIANA CODE
 18 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2005]:

20 **Chapter 6.5. Withholding Child Support Arrearage Amounts**
 21 **From Winnings**

22 **Sec. 1. (a) The commission shall provide each permit holder and**
 23 **satellite facility license holder with identifying information about**
 24 **every obligor.**

25 **(b) The identifying information provided to each permit holder**
 26 **and satellite facility license holder under subsection (a) must**
 27 **include the following:**

- 28 **(1) The full name of the obligor.**
- 29 **(2) The Social Security number of the obligor.**
- 30 **(3) The amount of the child support arrearage owed by the**
 31 **obligor.**

32 **Sec. 2. Each permit holder and satellite facility license holder**
 33 **shall require a patron of a racetrack or a satellite facility with**
 34 **winnings of at least two thousand dollars (\$2,000) from**
 35 **pari-mutuel wagering or exotic wagering to provide the patron's**
 36 **name and Social Security number before cash is paid to the patron**
 37 **as winnings.**

38 **Sec. 3. If a patron with winnings is identified by name and Social**
 39 **Security number as an obligor, a permit holder or a satellite**
 40 **facility license holder shall:**

- 41 **(1) hold the patron's winnings;**
- 42 **(2) orally notify the patron that the patron has been identified**

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as an obligor; and

(3) promptly notify the commission that the winnings of an obligor are being held by the permit holder or the satellite facility license holder.

Sec. 4. (a) The commission shall contact the appropriate Title IV-D agency or clerk of the circuit court not later than five (5) days after receiving notice under section 3(3) of this chapter to determine the patron's most recent child support arrearage amount.

(b) The commission, after receiving the most recent child support arrearage amount under subsection (a), shall order the permit holder or satellite facility license holder to transfer to the Title IV-D agency or the clerk of the circuit court for distribution to the recipient of the support:

(1) the entire amount of withheld winnings if the arrearage amount is equal to or greater than the amount of winnings withheld; or

(2) an amount necessary to satisfy the arrearage amount if the arrearage amount is less than the amount of winnings withheld.

Any winnings in excess of amounts used to satisfy an arrearage amount under subdivision (2) shall be forwarded to the patron.

SECTION 4. IC 4-31-13-3.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.3. A patron of a racetrack or a satellite facility who knowingly or intentionally gives a false name or a false Social Security number upon a request under IC 4-31-6.5-2 commits a Class D felony.

SECTION 5. IC 4-33-2-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13.5. "Obligor" means a person who is delinquent (as defined in IC 12-17-2-1.5) in the payment of child support under IC 31-14 or IC 31-16.

SECTION 6. IC 4-33-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The commission shall adopt rules under IC 4-22-2 for the following purposes:

(1) Administering this article.

(2) Establishing the conditions under which riverboat gambling in Indiana may be conducted.

(3) Providing for the prevention of practices detrimental to the public interest and providing for the best interests of riverboat gambling.

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(4) Establishing rules concerning inspection of riverboats and the review of the permits or licenses necessary to operate a riverboat.

(5) Imposing penalties for noncriminal violations of this article.

(b) The commission may adopt rules under IC 4-22-2 for withholding child support arrearage amounts from cash paid as winnings to a patron of a riverboat.

SECTION 7. IC 4-33-8.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 8.3. Withholding Child Support Arrearage Amounts From Winnings

Sec. 1. (a) The commission shall provide each licensed owner and operating agent with identifying information about every obligor.

(b) The identifying information provided to each licensed owner and operating agent under subsection (a) must include the following:

(1) The full name of the obligor.

(2) The Social Security number of the obligor.

(3) The amount of the child support arrearage owed by the obligor.

Sec. 2. Each licensed owner and operating agent shall require a patron of a riverboat with winnings of at least two thousand dollars (\$2,000) to provide the patron's name and Social Security number before cash is paid to the patron as winnings.

Sec. 3. If a patron with winnings is identified by name and Social Security number as an obligor, a licensed owner or an operating agent shall:

(1) hold the patron's winnings;

(2) orally notify the patron that the patron has been identified as an obligor; and

(3) promptly notify the commission that the winnings of an obligor are being held by the licensed owner or operating agent.

Sec. 4. (a) The commission shall contact the appropriate Title IV-D agency or clerk of the circuit court not later than five (5) days after receiving notice under section 3(3) of this chapter to determine the patron's most recent child support arrearage amount.

(b) The commission, after receiving the most recent child support arrearage amount under subsection (a), shall order the licensed owner or operating agent to transfer to the Title IV-D

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agency or clerk of the circuit court for distribution to the recipient of the support:

(1) the entire amount of withheld winnings if the arrearage amount is equal to or greater than the amount of winnings withheld; or

(2) an amount necessary to satisfy the arrearage amount if the arrearage amount is less than the amount of winnings withheld.

Any winnings in excess of amounts used to satisfy an arrearage amount under subdivision (2) shall be forwarded to the patron.

SECTION 8. IC 4-33-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. A person who knowingly or intentionally does any of the following commits a Class D felony:

(1) Offers, promises, or gives anything of value or benefit:

(A) to a person who is connected with the owner or operating agent of a riverboat, including an officer or an employee of a riverboat owner, an operating agent, or a holder of an occupational license; and

(B) under an agreement to influence or with the intent to influence:

(i) the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a gambling game; or

(ii) an official action of a commission member.

(2) Solicits, accepts, or receives a promise of anything of value or benefit:

(A) while the person is connected with a riverboat, including an officer or employee of a licensed owner, an operating agent, or a holder of an occupational license; and

(B) under an agreement to influence or with the intent to influence:

(i) the actions of the person to affect or attempt to affect the outcome of a gambling game; or

(ii) an official action of a commission member.

(3) Uses or possesses with the intent to use a device to assist in:

(A) projecting the outcome of the game;

(B) keeping track of the cards played;

(C) analyzing the probability of the occurrence of an event relating to the gambling game; or

(D) analyzing the strategy for playing or betting to be used in the game, except as permitted by the commission.

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- (4) Cheats at a gambling game.
- (5) Manufactures, sells, or distributes any cards, chips, dice, game, or device that is intended to be used to violate this article.
- (6) Alters or misrepresents the outcome of a gambling game on which wagers have been made after the outcome is made sure but before the outcome is revealed to the players.
- (7) Places a bet on the outcome of a gambling game after acquiring knowledge that:
- (A) is not available to all players; and
 - (B) concerns the outcome of the gambling game that is the subject of the bet.
- (8) Aids a person in acquiring the knowledge described in subdivision (7) for the purpose of placing a bet contingent on the outcome of a gambling game.
- (9) Claims, collects, takes, or attempts to claim, collect, or take money or anything of value in or from a gambling game:
- (A) with the intent to defraud; or
 - (B) without having made a wager contingent on winning a gambling game.
- (10) Claims, collects, or takes an amount of money or thing of value of greater value than the amount won in a gambling game.
- (11) Uses or possesses counterfeit chips or tokens in or for use in a gambling game.
- (12) Possesses a key or device designed for:
- (A) opening, entering, or affecting the operation of a gambling game, drop box, or an electronic or a mechanical device connected with the gambling game; or
 - (B) removing coins, tokens, chips, or other contents of a gambling game.
- This subdivision does not apply to a licensee or an operating agent or an employee of a licensee or an operating agent acting in the course of the employee's employment.
- (13) Possesses materials used to manufacture a slug or device intended to be used in a manner that violates this article.
- (14) Gives a false name or a false Social Security number upon a request under IC 4-33-8.3-2.**

SECTION 9. IC 5-14-3-4, AS AMENDED BY P.L.173-2003, SECTION 5, AND AS AMENDED BY P.L.200-2003, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by

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a state or federal statute or is ordered by a court under the rules of discovery:

- (1) Those declared confidential by state statute.
- (2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.
- (3) Those required to be kept confidential by federal law.
- (4) Records containing trade secrets.
- (5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.
- (6) Information concerning research, including actual research documents, conducted under the auspices of an institution of higher education, including information:
 - (A) concerning any negotiations made with respect to the research; and
 - (B) received from another party involved in the research.
- (7) Grade transcripts and license examination scores obtained as part of a licensure process.
- (8) Those declared confidential by or under rules adopted by the supreme court of Indiana.
- (9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39.
- (10) Application information declared confidential by the twenty-first century research and technology fund board under IC 4-4-5.1.
- (11) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.
- (12) The full name, Social Security number, and child support arrearage amount of a delinquent child support obligor in the possession of the:**
 - (A) Indiana horse racing commission under IC 4-31-6.5; or**
 - (B) Indiana gaming commission under IC 4-33-8.3.**
- (b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:
 - (1) Investigatory records of law enforcement agencies. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.
 - (2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:
 - (A) a public agency;

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- 1 (B) the state; or
- 2 (C) an individual.
- 3 (3) Test questions, scoring keys, and other examination data used
- 4 in administering a licensing examination, examination for
- 5 employment, or academic examination before the examination is
- 6 given or if it is to be given again.
- 7 (4) Scores of tests if the person is identified by name and has not
- 8 consented to the release of the person's scores.
- 9 (5) The following:
- 10 (A) Records relating to negotiations between the department
- 11 of commerce, the Indiana development finance authority, the
- 12 film commission, the Indiana business modernization and
- 13 technology corporation, or economic development
- 14 commissions with industrial, research, or commercial
- 15 prospects, if the records are created while negotiations are in
- 16 progress.
- 17 (B) Notwithstanding clause (A), the terms of the final offer of
- 18 public financial resources communicated by the department of
- 19 commerce, the Indiana development finance authority, the
- 20 Indiana film commission, the Indiana business modernization
- 21 and technology corporation, or economic development
- 22 commissions to an industrial, a research, or a commercial
- 23 prospect shall be available for inspection and copying under
- 24 section 3 of this chapter after negotiations with that prospect
- 25 have terminated.
- 26 (C) When disclosing a final offer under clause (B), the
- 27 department of commerce shall certify that the information
- 28 being disclosed accurately and completely represents the terms
- 29 of the final offer.
- 30 (6) Records that are intra-agency or interagency advisory or
- 31 deliberative material, including material developed by a private
- 32 contractor under a contract with a public agency, that are
- 33 expressions of opinion or are of a speculative nature, and that are
- 34 communicated for the purpose of decision making.
- 35 (7) Diaries, journals, or other personal notes serving as the
- 36 functional equivalent of a diary or journal.
- 37 (8) Personnel files of public employees and files of applicants for
- 38 public employment, except for:
- 39 (A) the name, compensation, job title, business address,
- 40 business telephone number, job description, education and
- 41 training background, previous work experience, or dates of
- 42 first and last employment of present or former officers or

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employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) ~~information concerning the factual basis for a disciplinary action~~ action in which final action has been taken and that resulted in the employee being ~~disciplined~~ suspended, demoted, or discharged.

However, all personnel file information shall be made available to the affected employee or the employee's representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

(9) Minutes or records of hospital medical staff meetings.

(10) Administrative or technical information that would jeopardize a recordkeeping or security system.

(11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.

(12) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that information required to be available for inspection and copying under subdivision (8).

(13) The work product of the legislative services agency under personnel rules approved by the legislative council.

(14) The work product of individual members and the partisan staffs of the general assembly.

(15) The identity of a donor of a gift made to a public agency if:

(A) the donor requires nondisclosure of the donor's identity as a condition of making the gift; or

(B) after the gift is made, the donor or a member of the donor's family requests nondisclosure.

(16) Library or archival records:

(A) which can be used to identify any library patron; or

(B) deposited with or acquired by a library upon a condition that the records be disclosed only:

(i) to qualified researchers;

(ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or

(iii) after the death of persons specified at the time of the

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acquisition or deposit.

However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing *medical advisory committee*; ~~board~~. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations that concern the driver.

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(19) A record or a part of a record, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. A record described under this subdivision includes:

(A) a record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2;

(B) vulnerability assessments;

(C) risk planning documents;

(D) needs assessments;

(E) threat assessments;

(F) domestic preparedness strategies;

(G) the location of community drinking water wells and surface water intakes;

(H) the emergency contact information of emergency responders and volunteers;

(I) infrastructure records that disclose the configuration of critical systems such as communication, electrical, ventilation, water, and wastewater systems; and

(J) detailed drawings or specifications of structural elements, floor plans, and operating, utility, or security systems, whether in paper or electronic form, of any building or facility located on an airport (as defined in IC 8-21-1-1) that is owned, occupied, leased, or maintained by a public agency. A record described in this clause may not be released for public inspection *by any public agency* without the prior approval of the public agency. ~~that owns, occupies, leases, or maintains the airport.~~ The submitting public agency: ~~that owns,~~

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occupies, leases, or maintains the airport.

(i) is responsible for determining whether the public disclosure of a record or a part of a record has a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack; and

(ii) must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under ~~IC 5-14-3-4(19)(f)~~ IC 5-14-3-4 without approval of (insert name of submitting public agency)".

This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2 has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.

(20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):

(A) Telephone number.

(B) Address.

(C) Social Security number.

(c) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(d) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(e) Notwithstanding subsection (d) and section 7 of this chapter:

(1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or

(2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business.

SECTION 10. IC 12-17-2-37 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 37. (a) If the Title IV-D agency determines that an obligor is delinquent, the Title IV-D agency shall submit to the Indiana horse racing commission and the Indiana gaming commission the:**

(1) full name of;

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1 (2) Social Security number of; and
 2 (3) amount of the arrearage owed by;
 3 the delinquent obligor.

4 (b) The Title IV-D agency shall provide an updated arrearage
 5 amount of the delinquent obligor upon request of the Indiana horse
 6 racing commission or the Indiana gaming commission.

7 (c) If the Title IV-D agency receives a distribution under
 8 IC 4-31-6.5-4 or IC 4-33-8.3-4, the Title IV-D agency may withhold
 9 the lesser of the:

10 (1) total amount of past public assistance paid to the child
 11 support recipient's family; or

12 (2) amount assigned to the state by a recipient under
 13 IC 12-14-7-1;

14 before distribution to the recipient of the court ordered support.

15 SECTION 11. IC 31-14-12-8.5 IS ADDED TO THE INDIANA
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2005]: Sec. 8.5. (a) If a court, in an action to
 18 enforce the payment of child support under this chapter, finds that
 19 a person is delinquent (as defined in IC 12-17-2-1.5), the court shall
 20 submit to the Indiana horse racing commission and the Indiana
 21 gaming commission the:

22 (1) full name of;

23 (2) Social Security number of; and

24 (3) amount of the arrearage owed by;
 25 the person.

26 (b) A court that submits information under subsection (a) shall
 27 provide an updated arrearage amount of the delinquent person
 28 upon request of the Indiana horse racing commission or the
 29 Indiana gaming commission.

30 SECTION 12. IC 31-16-12-10.5 IS ADDED TO THE INDIANA
 31 CODE AS A NEW SECTION TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2005]: Sec. 10.5. (a) If a court, in an action to
 33 enforce the payment of child support under this chapter, finds that
 34 a person is delinquent (as defined in IC 12-17-2-1.5), the court shall
 35 submit to the Indiana horse racing commission and the Indiana
 36 gaming commission the:

37 (1) full name of;

38 (2) Social Security number of; and

39 (3) amount of the arrearage owed by;
 40 the person.

41 (b) A court that submits information under subsection (a) shall
 42 provide an updated arrearage amount for the delinquent person

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1 upon request of the Indiana horse racing commission or the
2 Indiana gaming commission.

3 SECTION 13. [EFFECTIVE JULY 1, 2005] IC 4-31-13-3.3, as
4 added by this act, and IC 4-33-10-2(14), as amended by this act,
5 apply only to offenses committed after June 30, 2005.

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